

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Stephen W. Carlson,

Civil No. 05-1860 (DWF/SRN)

Plaintiff,

v.

ORDER

Kelly Services, Inc.; American Express
Financial Corporation, sued as American
Express Financial Corp.; International
Multifoods Corporation; and General Mills,
Inc.,

Defendants.

Stephen W. Carlson, *Pro Se*, Plaintiff.

Megan L. Anderson, Esq., Gray Plant Mooty Mooty & Bennett, PA, counsel for Defendant Kelly Services, Inc.; Julie A. Fleming-Wolfe, Esq., Fleming-Wolfe Law Office, counsel for Defendant American Express Financial Corporation, Daniel G. Wilczek, Esq., and Daniel N. Lovejoy, Esq., Faegre & Benson LLP, counsel for Defendant International Multifoods Corporation; and Kathryn Mrkonich Wilson, Esq., and Ruon S. Sawyer, Esq., Littler Mendelson, PC, counsel for Defendant General Mills, Inc.

This matter is before the Court upon Plaintiff's objections to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated January 9, 2006, recommending that: (1) Defendant General Mills, Inc.'s Motion to Dismiss be granted; Defendant Kelly Services, Inc.'s Motion to Dismiss be granted; (3) Defendants American Express Financial Advisors and American Express' Motion to Dismiss be granted; (4) Defendant International Multifoods' Motion to Dismiss or for Summary Judgment or for More Definite Statement be granted; (5) all of Plaintiff's claims be dismissed with

prejudice; and (6) an award of costs to Defendants be contingently deferred as set forth in Magistrate Judge Nelson's Report and Recommendation.

The Court has conducted a *de novo* review of the extensive record in this matter, including a review of the arguments and submissions of the parties, as well as the procedural history of this case, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Stephen W. Carlson's objections (Doc. No. 56) to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated January 9, 2006, are **DENIED**.
2. Magistrate Judge Susan Richard Nelson's Report and Recommendation dated January 9, 2006 (Doc. No. 49), is **ADOPTED**.
3. Defendant General Mills, Inc.'s Motion to Dismiss (Doc. No. 3) is **GRANTED**.
4. Defendant Kelly Services, Inc.'s Motion to Dismiss (Doc. No. 9) is **GRANTED**.
5. Defendants American Express Financial Advisors and American Express' Motion to Dismiss (Doc. No. 15) is **GRANTED**.
6. Defendant International Multifoods' Motion to Dismiss or for Summary Judgment or for More Definite Statement (Doc. No. 21) is **GRANTED**.

7. All of Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

8. An award of costs to Defendants is contingently deferred as set forth in Magistrate Judge Nelson's Report and Recommendation.

Dated: February 13, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court